

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

-against-

MICHAEL ACKERMAN, Q3 HOLDINGS,
LLC, and Q3 I, LP,

Defendants.

ECF Case No.: 1:20-cv-01183-NRB

**AFFIDAVIT IN SUPPORT OF
REQUEST FOR CERTIFICATE OF
DEFAULT AGAINST DEFENDANT
Q3 HOLDINGS, LLC**

1. I am counsel for Plaintiff, Commodity Futures Trading Commission (“Plaintiff” or “CFTC”) in this action and have personal knowledge of the facts stated herein. I submit this affidavit in support of the CFTC’s request for a Clerk’s Certificate of Default against Defendant Q3 Holdings, LLC (“Q3 Holdings”).

2. This action was commenced on February 11, 2020, pursuant to the Commodity Exchange Act and CFTC Regulations (“Complaint,” ECF No. 1).

3. Defendant Q3 Holdings was properly served under Fed. R. C. P. 4 and proof of service has been filed with the court (ECF No. 22).

4. The time for defendant Q3 Holdings to answer or otherwise move with respect to the Complaint herein has expired.

5. Defendant Q3 Holdings has not answered or otherwise moved with respect to the Complaint, and the time for defendant Q3 Holdings to answer or otherwise move has not been extended.

6. Defendant Q3 Holdings is not an infant or incompetent. Defendant Q3 Holdings is not presently in the military service of the United States as appears from facts in this litigation.

WHEREFORE, Plaintiff CFTC requests that the default of defendant Q3 Holdings be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the relief claimed is justly due to Plaintiff, and that no part thereof has been satisfied.

Dated: July 22, 2020

By: /s/ Jason Gizzarelli
Jason Gizzarelli
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